

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MELVIN ABDULLAH EL and
JAMES BROWN, Jr.,

Plaintiffs,

v.

MAYOR OF HARRISBURG,
SUSQUEHANNA POLICE
DEPARTMENT CHIEF OF POLICE,
and
WARDEN BRIAN S. CLARK,

Defendants.

No. 4:19-CV-00083

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

FEBRUARY 13, 2019

On January 15, 2019, Magistrate Judge Martin C. Carlson issued a Report and Recommendation¹ recommending that this Court dismiss the class action claims in Plaintiff's Complaint.² Magistrate Judge Carlson recommended that the dismissal be without prejudice, however, so that Plaintiffs could amend their complaint to reframe their class action claims as individual capacity claims. Magistrate Judge Carlson also recommended that this Court strike Plaintiffs' request for a specific dollar amount of unliquidated damages.

¹ ECF No. 6.

² ECF No. 1.

Plaintiffs did not file any timely objections to Magistrate Carlson's Report and Recommendation. This Court has reviewed that Report and Recommendation and has found no clear error on the face of the record. Therefore, it will adopt the Report and Recommendation in its entirety.

Plaintiffs did file a motion seeking additional time to file an amended complaint.³ They did not, however, specify how much additional time they are seeking. Their motion also seeks an order requiring prison officials to provide Plaintiffs additional law library access time to access and to release certain mail allegedly held by the prison. Plaintiffs will be given 28 days to amend their complaint as suggested by Magistrate Judge Carlson, and may move the Court for additional time if needed. Their motion will otherwise be denied.

Therefore, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Martin C. Carlson, ECF No. 6, is **ADOPTED IN ITS ENTIRETY**.
2. The class action claims in Plaintiffs' Complaint, ECF No. 1, are **DISMISSED WITHOUT PREJUDICE**, and that Complaint's request for a specific dollar amount of unliquidated damages is **STRICKEN**.
3. Within 28 days of the date of this Order, Plaintiffs may file an amended complaint that reframes the existing class action claims as individual

³ ECF No. 9.

capacity claims. Plaintiffs' Motion for an Extension of Time, ECF No. 9, is otherwise **DENIED**.

4. This case is remanded back to Magistrate Judge Carlson for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge